

# HON. GRACE M. HANLON

Chautauqua County  
3 North Erie Street  
Mayville, New York 14757

Principal Law Clerk:	Michael R. Cerrie (716)753-4310	<a href="mailto:micerrie@nycourts.gov">micerrie@nycourts.gov</a>
Secretary:	Nanette White (716)753-4266	<a href="mailto:nmwhite@nycourts.gov">nmwhite@nycourts.gov</a>
Court Clerk:	Stacey Caldwell (716)753-4357	<a href="mailto:scaldwel@nycourts.gov">scaldwel@nycourts.gov</a>

## **SPECIAL TERM MOTIONS:**

Motion days are Monday and Thursday, however, may be made returnable by appointment on any day of the week with the Court's Clerk. Adjournments must be arranged through stipulation of the parties.

Counselors are to contact the Court Clerk, Stacey Caldwell, for a return date, **prior** to filing the Notice of Motion, (excluding Order to Show Causes and Ex Parte Motions) so that the return date is included on the Notice of Motion as well as the New York State Unified Court System's UCS-CCR2 Notice.

Counselors are asked to observe the Rules of Civility regarding reasonable requests for adjournment. Default applications shall include an affidavit of service showing a mailed copy of the papers, with the return date, was served on the other party, together with the Court Notice, e-filed by the court, informing the other party how to appear virtually.

Motions to resolve discovery disputes shall be accompanied by an affidavit of good faith attempt at resolution; parties are encouraged to discuss discovery issues during conferences in order to minimize motion practice. Emails may be directed to the Principal Law Clerk, copying in all attorneys on the matter, to discuss any issues on discovery, or other matters, between conferences. If the need for an additional conference is necessary and consented to by all parties, please contact the Court to have one scheduled.

Requests for temporary injunctive relief will not generally be granted in absence of prior notice to the opposing party, as required by 22 NYCRR § 202.7(f). Orders and other papers for signature (except orders to show cause) must be circulated to opposing counsel on five business days' notice.

### **SETTLEMENT CONFERENCES & TRIALS:**

Parties are encouraged to seek alternative dispute resolution to expedite resolution and minimize costs. Trial dates are firm, and adjournments are granted only in exceptional circumstances. A final settlement conference will be set for a date 60 days prior to trial, and shall be in person, unless otherwise prohibited by New York State.

Expert disclosure pursuant to CPLR §3101 is required 30 days before trial. Summary judgment motions are to be filed within 120 days of the note of issue date, unless otherwise arranged, and shall be in person, unless otherwise prohibited by New York State.

Discovery must be completed by the date set by the court for the filing of the note of issue, and any motions regarding the same shall be filed prior to the date set by the court for the filing of the note of issue or shall be deemed waived.

Motions *in limine* should be noticed for in person argument, the week prior to the week of jury selection. A charge conference will be conducted prior to summations.

List of witnesses proposed jury charge, a list of all subpoenaed records that will be marked for identification and/or stipulated documents, and verdict sheets are required one (1) week prior to jury selection.

All motions regarding the adequacy of expert disclosure are to be made within ten (10) days of receipt of such disclosure. Deadline on expert disclosure at least thirty (30) days prior to commencement of trial, unless otherwise ordered by the Court.

Exhibits for trial must be marked by the court reporter prior to openings. Counsel shall supply a courtesy hard copy of each exhibit to opposing counsel and the court. The parties will be asked to stipulate as many exhibits as possible into evidence prior to the start of the trial in order to promote the flow of testimony. Documents summarizing relevant information from lengthy documents should be used when practical. Any court wide COVID policies will supersede these rules.

### **MATRIMONIAL ACTIONS**

1. Preliminary Conferences: 22 NYCRR 202.12(b) requires that a Preliminary Conference be held within forty-five (45) days of the filing of the RJI for a matrimonial action. Financial Affidavits (236B) and Retainer Agreements **MUST** be filed in NYSCEF at least forty-eight (48) hours prior to the Preliminary Conference. Must include Three (3) recent paystubs, and W-2 statements from the previous year's tax return.

2. Pre-Trial Conferences: Statements of Proposed Disposition must be filed in NYSCEF at least forty-eight (48) hours prior to the Preliminary Conference.
3. If a case is resolved by stipulation of the parties, the matter **WILL NOT** be removed from the calendar until the Court receives a signed copy of the stipulation. Please email stipulations directly to chambers.
4. When Judgments of Divorce provide for the full continuation of Family Court orders (custody/visitation or child support), the Judgment must reference the Docket number(s) and Date(s) of Family Court orders.
5. When an oral default is put on the record, the transcript of the default must be filed with the record; however, **DO NOT** attach the default transcript to the Judgment of Divorce.
6. When a stipulation of settlement is placed on the record or if the case is settled by written stipulation of the parties, a transcript of the oral stipulation of the written stipulation **MUST** be filed in NYSCEF with the judgment of divorce. Where the case has been settled by oral stipulation, the Affidavit of Appearance and Adoption of Oral Stipulation **MUST** be Filed in NYSCEF with the Judgment of Divorce.
7. When the court has rendered a written decision or bench decision, the written decision or transcript of the bench decision **MUST** be attached to the Findings of Fact and Conclusions of Law; and directives of the Court must be detailed in decretal paragraphs in the Judgment of Divorce.
8. When a divorce is settled by stipulation which is incorporated into the Judgment of Divorce, the decretal paragraphs need not specify the provisions concerning equitable distribution. However, separate decretal paragraphs must specify provisions regarding custody, visitation, child support and maintenance.
9. CPLR 306-b: Where service of the Summons with Notice or Summons and Complaint has not been affected within One Hundred Twenty (120) days of filing with the County Clerk's Office, you must obtain the Court's permission to extend the time for service for "good cause shown". This can be done on the papers without the necessity of counsel's appearance, on ex parte notice of motion and payment of the necessary motion filed fee.
10. UCS-111 forms: 202 NYCRR 202.50c requires that Judgments submitted to the court shall be accompanied by a completed form.
11. Effective date of Child Support and/or maintenance in Judgments and/or orders: Every proposed Judgments of divorce or temporary order containing an order of support or maintenance **MUST** specify the effective date. If the parties entered into an oral stipulation placed on the record in court and the stipulation does not specify the effective date of any child support and/or maintenance orders, the effective date to be inserted in the proposed Judgment or Order will be the date the stipulation was placed on the record. If the matter is resolved by a written stipulation and there is no date specified in the stipulation, the effective date to be inserted in the proposed Judgment or order will be effective the date the stipulation is fully signed by both parties. The best practice would be to specify the effective date in any stipulation. If the child

- support and/or maintenance order is by decision of the Court, the decision will indicate the effective date and this date must be inserted in the proposed Judgment.
12. Prior Family Court Orders: If a Judgment continues a Family Court order but with changes, the attorneys should either specify that the Family Court Order will continue in its entirety or set forth a new, complete order in the Judgment and specify the effective date of the new order and terminating the prior Family Court.
  13. Direct Pay orders or through Support Enforcement Unit: Any proposed Judgment of divorce should state whether child support is by way of direct pay or through Support Enforcement Unit. If the order is by direct pay, counsel must file the necessary form with the State Case Registry in Albany and provide the Court with a copy of the form and letter of filing. If payments are to be made through Support Enforcement Unit, the proposed Judgment must contain a provision directing the filing of a copy of the Judgment with the Support Enforcement Unit.
  14. Social Security Numbers: Every proposed Judgment of Divorce must contain the social security numbers of the parties, and pursuant to DRL 240-b, the social security numbers of any minor children.
  15. DRL Section 255 (health insurance notifications) will be enforced. All stipulations after November 1, 2007, must contain a provision and Judgments of Divorce must contain a decretal paragraph in accordance with the statute.

### **ORDERS**

Must be submitted within thirty (30) days. There must be proof that the order has been sent to all opposing counsel or *pro se* litigant's and that no objection has been received. Orders will not be signed unless opposing counsel has had an opportunity to review for at least seven (7) days, approved the same. If no objections are received after seven (7) days, the Order will be signed by the Court.

The party that is successful in the motion, or the party that the Court directs shall submit the order.